

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KAISER ALUMINUM WARRICK, LLC,

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| USDC SDNY              |
| DOCUMENT               |
| ELECTRONICALLY FILED   |
| DOC #:                 |
| DATE FILED: 10/16/2023 |

Plaintiff,

22-CV-3105 (JGK) (KHP)

-against-

ORDER

U.S MAGNESIUM, LLC.,

Defendant.

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KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

For the reasons set forth more fully on the record at the October 16, 2023 conference, Defendant's request that newly disclosed third-party witnesses from six of Plaintiff's customers is granted in part and denied in part.

The fact discovery deadline is extended to November 30, 2023 for the limited purpose of conducting additional third-party depositions of Plaintiff's customers or their agents, specifically: Pepsi-Cola Advertising and Marketing, Inc., Anheuser-Busch, LLC, and Silgan Containers, LLC. Defendant previously subpoenaed these entities and was well aware that witnesses from these entities might be called by Plaintiff at trial. Based on information learned during the above-referenced third-party depositions, Defendant may request one additional deposition from a Plaintiff witness provided such deposition seeks relevant information and is proportional to the needs of the case. Accordingly, Defendant's request that the recently disclosed witnesses from the above-three previously subpoenaed entities be stricken from Plaintiff's second supplemental disclosures is denied.

However, Defendant's request is granted with respect to recently disclosed witnesses from Ball Metal Beverage Container Corp., Crown Supply, or Ardagh Metal Beverage. Plaintiff will not be permitted to rely on witnesses from these three entities on summary judgment or at trial.

**SO ORDERED.**

DATED:           New York, New York  
October 16, 2023

*Katharine H Parker*  
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KATHARINE H. PARKER  
United States Magistrate Judge